

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Application of ACCENT DELIGHT
INTERNATIONAL LTD. and XITRANS FINANCE
LTD. for an Order Pursuant to 28 U.S.C. § 1782 to
Conduct Discovery for Use in Foreign Proceedings.

Civil Action No. 16 Misc. 125 (JMF)

**DECLARATION OF DANIEL W. LEVY IN OPPOSITION TO
PETITIONERS' MOTION TO AMEND THE PROTECTIVE ORDER
TO PERMIT USE OF DISCOVERY IN THE UNITED KINGDOM**

DANIEL W. LEVY, pursuant to Title 28, United States Code, Section 1746, declares
under the penalty of perjury:

1. I am an attorney licensed to practice law in the State of New York and admitted to practice before this Court. I am principal in the law firm of McKool Smith P.C. and counsel of record for Intervenors Yves Bouvier ("Bouvier") and MEI Invest Ltd. ("MEI").
2. I make this Declaration in opposition to the motion of Petitioners to amend the Protective Order entered by this Court on November 1, 2016, to permit Accent Delight to use discovery obtained in connection with this action in proceedings proposed to be initiated in the United Kingdom.
3. Attached hereto as Exhibit **A** is a true and correct copy of Intervenors' Memorandum of Law, dated May 2, 2016, and previously filed as Docket Entry No. 16.
4. Attached hereto as Exhibit **B** is a true and correct copy of Intervenors' Reply Memorandum of Law, dated May 23, 2016, and previously filed as Docket Entry No. 35.
5. Attached hereto as Exhibit **C** is a true and correct copy of the Letter from Daniel W. Levy, dated September 12, 2016, and previously filed as Docket Entry No. 47.

6. Attached hereto as Exhibit **D** is a true and correct copy of the transcript of proceedings before the Court on October 19, 2016.

7. Attached hereto as Exhibit **E** is a true and correct copy of the decision of the Court of Appeal of Singapore, dated April 18, 2017, in *Rappo v. Accent Delight Int'l Ltd.*, [2017] SGCA 27.

9. Attached hereto as Exhibit **F** is a true and correct copy of a Letter from Tetiana Bersheda and Pierre de Preux, Swiss counsel to Petitioners, dated May 29, 2017.

10. Attached hereto as Exhibit **G** is a true and correct copy of a Letter from Drew & Napier, Singapore counsel to Petitioners, dated May 29, 2017.

11. Attached hereto as Exhibit **H** is a true and correct copy of a Letter from Deputy Attorney General of Switzerland Ruedi Montanari, dated July 17, 2017, together with a certified translation of the same.

12. Attached hereto as Exhibit **I** is a true and correct copy of the following news articles and, where pertinent, an informal translation of the same:

- (a) Russian Owner of AS Monaco Charged Over Privacy-Invasion Claim, *Bloomberg*, Oct. 19, 2017, <https://www.bloomberg.com/news/articles/2017-10-19/russian-owner-of-as-monaco-charged-over-privacy-invasion-claim>;
- (b) Monaco Owner Dmitry Rybolovlev Under Investigation Over Allegations of Complicity in Invasion of Privacy, *Daily Mail*, Oct. 19, 2017, <http://www.dailymail.co.uk/sport/football/article-4999044/Monaco-owner-Dmitry-Rybolovlev-investigation.html>;
- (c) Minister Quits Over 'Art Fraud Link' to AS Monaco Oligarch Dmitri Rybolovlev, *The Times*, Sept. 15, 2017, <https://www.thetimes.co.uk/article/minister-quits-over-art-fraud-link-to-as-monaco-oligarch-dmitri-rybolovlev-w6qms8l3f>;

- (d) Monaco's Justice Minister Resigns After Texts Reveal 'Vast Influence Peddling' in Billion-Dollar Art Fraud Case, *Artnet News*, Sept. 15, 2017, <https://news.artnet.com/art-world/monaco-justice-minister-resigns-1084301>;
- (e) Le directeur des services judiciaires de Monaco contraint au départ après l'enquête du « Monde », *Le Monde*, Sept. 14, 2017, http://www.lemonde.fr/police-justice/article/2017/09/14/le-directeur-des-services-judiciaires-de-monaco-contraint-au-depart-apres-l-enquete-du-monde_5185659_1653578.html?xtmc=rybolovlev&xtcr=11;
- (f) Le milliardaire russe Dmitri Rybolovlev au centre d'un « Monacogate », *Le Monde*, Sept. 14, 2017, http://www.lemonde.fr/police-justice/article/2017/09/14/le-milliardaire-russe-dmitri-rybolovlev-au-centre-d-un-monacogate_5185432_1653578.html?xtmc=rybolovlev&xtcr=12; and
- (g) Le Suisse Yves Bouvier serait tombé dans un piège à Monaco, *Bilan*, Aug. 23, 2017, <http://www.bilan.ch/economie-plus-de-redaction/suisse-yves-bouvier-serait-tombe-un-piege-a-monaco>
- (h) Quand la police monégasque se met au service du président de l'AS Monaco, *Mediapart*, Aug. 21, 2017, <https://www.mediapart.fr/journal/international/210817/quand-la-police-monegasque-se-met-au-service-du-president-de-l-monaco?onglet=full>

13. Attached hereto as Exhibit **J** is a true and correct copy of the *requête de conciliation* filed on November 17, 2017, in the Court of First Instance of the Canton of Geneva, Switzerland, together with an informal translation.

14. Attached hereto as Exhibit **K** is a true and correct copy of the relevant pages of the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters, executed at Lugano on September 16, 1988, and amended in 2007, commonly known as the Lugano Convention.

15. Attached hereto as Exhibit **L** is a true and correct copy of the transcript of proceedings before the Court on May 31, 2016.

16. Attached hereto as Exhibit **M** is a true and correct copy of the Court's Order, dated May 31, 2016 , and previously filed as Docket Entry No. 39.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 20, 2017, at New York, New York.

/s/

Daniel W. Levy